

By Senator Simmons

22-00648-11

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1                                   A bill to be entitled  
 2           An act relating to the repeal of obsolete insurance  
 3           provisions; amending s. 215.5595, F.S.; deleting an  
 4           obsolete requirement for the State Board of  
 5           Administration to transfer to the Citizens Property  
 6           Insurance Corporation certain funds of the Insurance  
 7           Capital Build-Up Incentive Program; amending s.  
 8           627.311, F.S.; deleting an obsolete presuit notice  
 9           requirement for the Florida Automobile Joint  
 10          Underwriting Association; amending s. 627.706, F.S.;  
 11          deleting an obsolete form filing deadline for sinkhole  
 12          coverage; amending s. 627.7065, F.S.; deleting an  
 13          obsolete reporting requirement for activities relating  
 14          to the sinkhole database; repealing s. 627.7077, F.S.,  
 15          relating to a feasibility and cost-benefit study of a  
 16          Florida Sinkhole Insurance Facility and other matters  
 17          related to affordability and availability of sinkhole  
 18          insurance; amending s. 627.712, F.S.; deleting an  
 19          obsolete effective date for the exclusion of windstorm  
 20          and contents coverage; providing an effective date.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24           Section 1. Subsection (11) of section 215.5595, Florida  
 25           Statutes, is amended to read:

26           215.5595 Insurance Capital Build-Up Incentive Program.—  
 27           ~~(11) On January 15, 2009, the State Board of Administration~~  
 28           ~~shall transfer to Citizens Property Insurance Corporation any~~  
 29           ~~funds that have not been committed or reserved for insurers~~

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30 ~~approved to receive such funds under the program, from the funds~~  
31 ~~that were transferred from Citizens Property Insurance~~  
32 ~~Corporation in 2008-2009 for such purposes.~~

33 Section 2. Paragraph (k) of subsection (3) of section  
34 627.311, Florida Statutes, is amended to read:

35 627.311 Joint underwriters and joint reinsurers; public  
36 records and public meetings exemptions.—

37 (3) The office may, after consultation with insurers  
38 licensed to write automobile insurance in this state, approve a  
39 joint underwriting plan for purposes of equitable apportionment  
40 or sharing among insurers of automobile liability insurance and  
41 other motor vehicle insurance, as an alternate to the plan  
42 required in s. 627.351(1). All insurers authorized to write  
43 automobile insurance in this state shall subscribe to the plan  
44 and participate therein. The plan shall be subject to continuous  
45 review by the office which may at any time disapprove the entire  
46 plan or any part thereof if it determines that conditions have  
47 changed since prior approval and that in view of the purposes of  
48 the plan changes are warranted. Any disapproval by the office  
49 shall be subject to the provisions of chapter 120. The Florida  
50 Automobile Joint Underwriting Association is created under the  
51 plan. The plan and the association:

52 (k)~~1~~ Shall have no liability, and no cause of action of  
53 any nature shall arise against any member insurer or its agents  
54 or employees, agents or employees of the association, members of  
55 the board of governors of the association, the Chief Financial  
56 Officer, or the office or its representatives for any action  
57 taken by them in the performance of their duties or  
58 responsibilities under this subsection. Such immunity does not

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59 apply to actions for or arising out of breach of any contract or  
60 agreement pertaining to insurance, or any willful tort.

61 ~~2. Notwithstanding the requirements of s. 624.155(3)(a), as~~  
62 ~~a condition precedent to bringing an action against the plan~~  
63 ~~under s. 624.155, the department and the plan must have been~~  
64 ~~given 90 days' written notice of the violation. If the~~  
65 ~~department returns a notice for lack of specificity, the 90-day~~  
66 ~~time period shall not begin until a proper notice is filed. This~~  
67 ~~notice must comply with the information requirements of s.~~  
68 ~~624.155(3)(b). Effective October 1, 2007, this subparagraph~~  
69 ~~shall expire unless reenacted by the Legislature prior to that~~  
70 ~~date.~~

71 Section 3. Subsections (4) and (5) of section 627.706,  
72 Florida Statutes, are renumbered as subsections (3) and (4),  
73 respectively, and present subsection (3) of that section is  
74 amended to read:

75 627.706 Sinkhole insurance; catastrophic ground cover  
76 collapse; definitions.-

77 ~~(3) On or before June 1, 2007, every insurer authorized to~~  
78 ~~transact property insurance in this state shall make a proper~~  
79 ~~filing with the office for the purpose of extending the~~  
80 ~~appropriate forms of property insurance to include coverage for~~  
81 ~~catastrophic ground cover collapse or for sinkhole losses.~~  
82 ~~Coverage for catastrophic ground cover collapse may not go into~~  
83 ~~effect until the effective date provided for in the filing~~  
84 ~~approved by the office.~~

85 Section 4. Subsection (6) of section 627.7065, Florida  
86 Statutes, is renumbered as subsection (5), and present  
87 subsection (5) of that section is amended to read:

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88           627.7065 Database of information relating to sinkholes; the  
89 Department of Financial Services and the Department of  
90 Environmental Protection.-

91           ~~(5) The Department of Environmental Protection, in~~  
92 ~~consultation with the Department of Financial Services, shall~~  
93 ~~present a report of activities relating to the sinkhole~~  
94 ~~database, including recommendations regarding the database and~~  
95 ~~similar matters, to the Governor, the Speaker of the House of~~  
96 ~~Representatives, the President of the Senate, and the Chief~~  
97 ~~Financial Officer by December 31, 2005. The report may consider~~  
98 ~~the need for the Legislature to create an entity to study the~~  
99 ~~increase in sinkhole activity in the state and other similar~~  
100 ~~issues relating to sinkhole damage, including recommendations~~  
101 ~~and costs for staffing the entity. The report may include other~~  
102 ~~information, as appropriate.~~

103           Section 5. Section 627.7077, Florida Statutes, is repealed.

104           Section 6. Subsection (7) of section 627.712, Florida  
105 Statutes, is amended to read:

106           627.712 Residential windstorm coverage required;  
107 availability of exclusions for windstorm or contents.-

108           ~~(7) This section is effective July 1, 2007, but the office~~  
109 ~~may delay application of this section until a date no later than~~  
110 ~~October 1, 2007, upon approval by the Financial Services~~  
111 ~~Commission.~~

112           Section 7. This act shall take effect July 1, 2011.